

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

Attorneys at Law

Steuart Tower, Suite 1300
One Market Plaza
San Francisco, CA 94105
Telephone: 415.442.4810
Facsimile: 415.442.4870
www.ogletreedeakins.com

Jean C. Kosela
415.442.4810
jean.kosela@ogletreedeakins.com

August 10, 2018

VIA E-FILE @NLRB.GOV

William B. Cowen
Regional Director
NLRB – Region 21
888 South Figueroa Street
9th Floor
Los Angeles, CA 90017-5449

RE: Request for Postponement
Healthcare Services Group, Inc., Case 21-RC-224993

Dear Mr. Cowen:

Ogletree Deakins represents F & B Healthcare dba Sierra View Care Center (“Company” or “Sierra View”). We are informed the Petitioner in the above-referenced case, SEIU Local 2015 (“SEIU”), seeks to represent a unit of “full-time, regular part-time, and on-call Dietary Cooks, Dietary Aides, Dishwashers, Janitors, Housekeeping employees, Laundry employees, and Maintenance employees” who work at Sierra View.

Sierra View is the sole employer of the Maintenance employees in the petitioned-for unit. Additionally, it is the Company’s position that together with Healthcare Services Group, Inc. (“HCSG”), Sierra View jointly employs the Dietary Cooks, Dietary Aides, Dishwashers, Janitors, Housekeeping employees and Laundry employees in the petitioned-for unit. Therefore, Sierra View intends to move to intervene at the representation case hearing in this matter, which we understand is currently scheduled for Monday, August 13, 2018.

Sierra View respectfully requests a one-day postponement of the hearing to August 14, 2018. Good and sufficient grounds exist for this request. Maria Anastas is the attorney who would normally handle the hearing on behalf of Sierra View because they are her client. However, Ms. Anastas is in an FMCS mediation with Teamsters, Local 166 on Monday and Tuesday of next week. Our firm does not have any other labor counsel in California who could be available on Monday. In fact, the only other labor lawyer in our California offices, Daniel Adlong, is on vacation in Mexico. John Ferrer, formerly in our San Francisco office, has transferred to Washington, D.C. and I (Jean Kosela) work in Austin, Texas. We are in the process of arranging for an attorney from our Chicago office to attend the hearing on behalf of

August 10, 2018

Page 2

Sierra View. However, he is unable to fly to Los Angeles until Monday morning. Sierra View therefore requests that the hearing be postponed to Tuesday, August 14 or any date thereafter.

I have informed counsel for SEIU Local 2015, Mr. Manuel Boigues, of the Company's request for a one-day postponement. Mr. Boigues has indicated the Union objects to postponement of the hearing, as stated in email correspondence from Mr. Boigues dated August 10, 2018, a copy of which is attached hereto as Exhibit A. To the extent the Union objects to postponement based on Mr. Boigues's unavailability, Mr. Boigues's law firm has three offices in California, including an office located in Los Angeles. Mr. Boigues has not indicated whether any other attorney from Mr. Boigues's firm could be available to attend a hearing on August 14.

I have also spoken with counsel for HCSG, Ms. Joanne Strauss. Ms. Strauss has indicated HCSG does not object to postponement of the hearing. HCSG is amenable to the proposed alternative hearing date of August 14, 2018.

A copy of this request has been served on counsel for SEIU and HCSG today via email to mboigues@unioncounsel.net and jstrauss@hcsghcorp.com, respectively.

Sincerely,

/s/ Jean Kosela

Jean C. Kosela

Attachments: Exhibit A

35185605.1

From: Manuel Boigues [<mailto:mboigues@unioncounsel.net>]
Sent: Friday, August 10, 2018 3:28 PM
To: Kosela, Jean C.
Cc: alvaro.medina@nlrb.gov; Manuel Boigues
Subject: Re: Healthcare Services Group (21-RC-224993)

Yes the Union objects to postponement.

The Union is not seeking to represent employees of Sierra View Care Center. The Union's petition is for employees of the Healthcare Services Group only.

I already have a non refundable hotel reservation and I also reserved a flight to travel Sunday night to LA.

I am not available for a hearing on 8/14 because of another professional commitment and I am traveling to St.Louis on 8/15 for work.

Manuel A. Boigues
Weinberg, Roger & Rosenfeld
510-337-1001

On Aug 10, 2018, at 13:15, Kosela, Jean C.

jean.kosela@ogletree.com<<mailto:jean.kosela@ogletree.com>>> wrote:

Hi, Manny:

We are informed the Union in the above-referenced matter is seeking to represent a bargaining unit of employees that would include employees of our client, Sierra Valley Care Center. We therefore intend to participate in the representation case hearing, which I understand is scheduled for Monday, August 13. However, we do not have labor counsel currently available in California on that day. Despite my assigned office being located in California, I am physically located out of state, and my colleague Maria Anastas is in bargaining with the Teamsters on Monday and Tuesday. We are arranging for another attorney from our firm to fly in from Chicago, but he cannot fly in until Monday morning.

In short, we would like to request to move the hearing date to Tuesday. Could you please let me know whether the Union would object to a one-day postponement?

Thanks,
Jean

Jean C. Kosela | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Steuart Tower, One Market Plaza, Suite 1300 | San Francisco, CA 94105 | Telephone: 415-536-3447 | Fax: 415-442-4870
jean.kosela@ogletreedekins.com<<mailto:jean.kosela@ogletreedekins.com>> |
www.ogletreedekins.com<<http://www.ogletreedekins.com>> |
Bio<<http://www.ogletreedekins.com/attorneys/Jean-C-Kosela>>

This transmission is intended only for the proper recipient(s). It is confidential and may contain

attorney-client privileged information. If you are not the proper recipient, please notify the sender immediately and delete this message. Any unauthorized review, copying, or use of this message is prohibited.